

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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PA PAH PRODUCTIONS, INC. and	:	
ELGIN BAYLOR LUMPKIN p/k/a GINUWINE,	:	08 CV 0391 (AKH)
	:	ECF CASE
Plaintiffs,	:	
	:	<b>NOTICE OF MOTION</b>
v.	:	<b><u>FOR RECONSIDERATION</u></b>
	:	
KING MUSIC GROUP, INC., KING MUSIC	:	
GROUP, LLC, M&A HOLDINGS, LLC,	:	
MICHAEL BOURNÉ and DOES 1-10 inclusive,	:	
	:	
Defendants.	:	
	:	
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**PLEASE TAKE NOTICE** that upon this Notice of Motion, dated June 27, 2008, and the accompanying supporting memorandum of law, dated June 27, 2008, and upon all prior proceedings heretofore had herein, Defendants-Counterclaimants Michael Bourné and King Music Group, LLC (incorrectly sued separately as “M&A Holdings, LLC” and “King Music Group, Inc.”), by their attorneys, Jonathan D. Davis, P.C., will move this Court, before the Honorable Alvin K. Hellerstein, at the United States District Courthouse, Courtroom 14D, 500 Pearl Street, New York, New York 10007, pursuant to Rule 59(e), Fed. R. Civ. P., and Rule 6.3 of the Local Rules, for reconsideration of this Court’s *sua sponte* Order, dated June 20, 2008, and, upon such reconsideration, for an order, pursuant to Rule 12(c), Fed. R. Civ. P., dismissing: (i) Counts I through IV of the Complaint, dated January 15, 2008 (the “Complaint”); (ii) alternatively, Counts II and III of the Complaint for failure to allege tort-based claims independent of the contractual obligations allegedly breached; (iii) Counts I through IV of the Complaint against King

Music Group, Inc., a non-existent entity; and (iv) granting such other and further relief as the Court deems just and proper.

Answering declarations and memorandum of law, if any, shall be served in accordance with Local Rule 6.1(b), unless otherwise agreed to by the parties or ordered by the Court.

Dated: June 27, 2008  
New York, New York

JONATHAN D. DAVIS, P.C.

By: 

Jonathan D. Davis (JD 5712)  
99 Park Avenue  
Suite 1600  
New York, New York 10016  
(212) 687-5464  
Attorneys for Defendants-  
Counterclaimants King Music Group,  
LLC and Michael Bourné

TO: LOCKE LORD BISSELL & LIDDELL, LLP  
885 Third Avenue, 26<sup>th</sup> Floor  
New York, New York 10022  
(212) 947-4700  
Attorneys for Plaintiffs and Counterclaim-Defendants